

REMARKS

By the preceding amendments, claims 1-16 and 21-24 are pending in this application. Of these, claims 1, and 21-24 are independent claims. Further and favorable reconsideration of the application is accordingly and respectfully solicited.

Response to Restriction Requirement made Final:

The Office Action makes final the restriction requirement and rejects Applicants' traverse as non-persuasive. Applicants respectfully request that the restriction requirement be removed if any claim generic to Group I and II is allowed.

Response to Specification Objection:

The Office Action objects to the specification stating it fails to properly disclose the limitation "a tab extending up through the bore at the center axis" of claim 8. Applicants have amended claim 8 to state "a tab extending upwardly within the bore at the center axis" and has changed the specification to clearly disclose this limitation. As this limitation was disclosed in the figures as filed, no new matter has been added. Applicants believe this objection has been overcome and respectfully request its removal.

Response to Claim Objections:

The Office Action objects to claims 1 and 13 for having informalities. Applicants have amended claims 1 and 13 by adding the term "hemispherical" and "planar" as

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suggested by the Office Action and respectfully request removal of this objection.

The Office Action also states that claims 8 and 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have added new claims 21-24, which contain the limitations of claims 8 and 13-15 rewritten in independent form and including all intervening claims. Applicants therefore believe new claims 21 through 24 are in condition of allowance, and respectfully request such allowance.

Response to Rejection of claims 1-7, 9-12, and 16:

The Office Action rejects pending claims 1-7, 9-12 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Lee (4,159,631) in view of Cathey et al. (3,000,022).

Generally, the invention as set forth in the pending claims relates to a scent lure dispenser having a first hemispherical body member having a planar first flange and a releasable means to couple to a second hemispherical body member. The second hemispherical body member includes a planar second flange and a corresponding releasable means to couple to the first hemispherical body member and means to form an airtight seal between the first and second hemispherical body members. The second hemispherical body member is configured to hold a scent carrier disposed within an interior space and includes scent openings.

In regard to claims 1-7, 9-12 and 16, the Office Action states that Lee discloses a scent dispenser with two hemispherical body members, an interior in each of the body

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members, planar first and second flanges, a scent carrier disposed within the second body, a releasable means coupled to the first body member and a releasable means coupled to the second body member. The Action concedes, however, that Lee does not teach air tight seals in the two body members. The Action states that Cathey et al discloses means to form an airtight seal between two mating body members and that it would have been obvious to one having ordinary skill in the art to have provided the device of Lee with the airtight seals of Cathey et al.

Applicants respectfully submit that independent claim 1, as amended includes requirements not present in the cited references. Specifically, independent claim 1, as amended requires releasable means on the first and second hemispherical body members to couple the two body members. Such means as disclosed in the present invention are not disclosed in either of the cited references. Further, claim 1, as amended, requires the first and second body members to include means to form an airtight seal between the two body members. Again, such means are neither disclosed in either of the cited references nor obvious in combination to one skilled in the art.

Lee discloses an article of jewelry having a hollow spherical housing including an upper and lower half. The article of jewelry has means to contain perfume and means to connect the upper and lower half. The means to connect the upper and lower halves is structurally different than the releasable means claimed in independent claim 1 of the present invention. Further, as conceded by the Office Action, Lee does not disclose means to provide an airtight seal between the two halves.

Cathey et al discloses a spherical amusement device having a pair of spherical

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shell members defining an opening to receive an occupant. While Cathey et al discloses means to seal the two halves in a closed position, the invention disclosed in Cathey et al is significantly different than the invention of the present invention and the invention disclosed in Lee. Cathey et al teaches a device for which a person would be placed inside and used as an amusement activity. Whereas the present invention claims a device for placing a scented element and used to expel the scent into the air. Thus, there is no discussion or disclosure in Lee or Cathey et al to even remotely suggest combining the scent lure configuration of Lee with the sealing means of the Cathey et al amusement device. Further, even if one assumes for the sake of argument that it is proper to combine the cited references, the resulting combination does not meet all the requirements of claim 1, as amended. As discussed above, Lee does not disclose all the remaining requirements as claimed in claim 1, as amended. Applicants respectfully submit that the Examiner has not set forth a *prima facie* case of obviousness for these claims.

Therefore, for the reasons set forth above Applicants respectfully request that the rejection of claims 1-7 and 9-12 under 35 U.S.C. § 103(a) be removed. Applicants respectfully submit that claim 1, as amended is patentable for the reasons set forth above, as are the claims which depend from this claim, dependent claims 2-16.

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CONCLUSION

In light of the foregoing, Applicants respectfully submit that each item set forth in the Office Action dated December 18, 2003 has been addressed. Accordingly, Applicants submits that claim 1, as amended is patentable for the reasons set forth above, as are the claims which depend from this claim (dependent claims 2-16). Applicants respectfully request all rejections be withdrawn, and that all pending claims be allowed.

Examiner noted that the prior art of record was considered pertinent to Applicants' disclosure. Applicants have reviewed the prior art of record and submit they do not adversely bear on the patentability of the pending claims.

In the event any further matters requiring attention are noted by the Examiner or in the event that prosecution of this application can otherwise be advanced thereby, a telephone call to Applicants' undersigned representative at the number shown below is invited.

Please apply any charges or credits to Deposit Account No. 502197.

Respectfully submitted,

Dated: 12 March 2004

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